



PATENT

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 30, 2004

David G. Parkhurst, Reg. No. 29,422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

STEVEN R. ATKINS and JOHN ROBERT OWEN

Serial No.: 10/784,137

Filed: February 20, 2004

For: IMPROVEMENTS IN OR
RELATING TO A FITTING FOR A
HARNESS

Examiner:

Group Art Unit:

Docket No. FORRE 67592

November 30, 2004

Los Angeles, California 90045

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR APPLICATION ON BEHALF OF NON-SIGNING

INVENTOR UNDER 37 CFR §1.147(a) and MPEP 409.3(a)

Dear Sir:

1. This Petition is being filed with the Office because a joint inventor, STEVEN R. ATKINS, refuses to sign the Declaration for Patent Application.

2. In accordance with 37 CFR §1.47(a) and MPEP §409.03(a), Petitioner, JOHN ROBERT OWEN, the available joint inventor in the above-identified application, respectfully petitions to make application for patent on behalf of the joint inventor STEVEN R. ATKINS, who refuses to execute the required Oath or Declaration of the inventor (herein "Non-Signing Inventor").

3. This Petition is being filed in response to the Notice of Incomplete Nonprovisional Application dated September 30, 2004, and is accompanied by a copy of the Notice, and a Declaration and Power of Attorney signed on behalf of the Non-Signing Inventor.

PROOF OF PERTINENT FACTS:


4. This Petition is accompanied by a Declaration of David G. Parkhurst, attorney of record, personally attesting to the pertinent facts concerning the diligent efforts to obtain the required Oath or Declaration of the Non-Signing Inventor for the present application and the Non-Signing Inventor's refusal to execute said Oath or Declaration. Also included in the Declaration of Mr. Parkhurst is the last known address of the Non-Signing Inventor.

5. Petitioner has assigned the invention to RWO (Marine Equipment) Ltd, a corporation of the United Kingdom. It is respectfully submitted that application by Petitioner on behalf of the Non-Signing Inventor is necessary to preserve the proprietary rights of the assignee in the subject matter of the application, since the Non-Signing Inventor has refused to sign the required Oath or Declaration, and failure to provide the required Oath or Declaration would otherwise result in abandonment of the application. Therefore, Petitioner requests that the Office accept the above-identified application.

6. A check covering the fee for the Petition under 37 CFR §1.17(h) in the amount of \$200.00 is being filed concurrently with a Petition Under 37 CFR 1.53(e), of which this Petition is a part. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
David G. Parkhurst
Registration No. 29,422

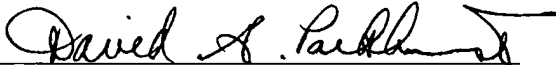
DGP:rvw

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
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David G. Parkhurst, Reg. No. 29,422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

STEVEN R. ATKINS and JOHN ROBERT OWEN

Serial No.: 10/784,137

Filed: February 20, 2004

For: IMPROVEMENTS IN OR
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1. 53(e) FOR REVIEW OF

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

Dear Sir:

This is in reply to the Notice of Incomplete Nonprovisional Application dated September 30, 2004, setting a shortened statutory period for response of two months. A copy of the notice is enclosed.

12/07/2004 JBALINAM 00000014 10784137

01 FC:1462
~~02 FC:2001~~
~~03 FC:2202~~

72550.1

400.00 OP
~~395.00 OP~~
~~72.00 OP~~

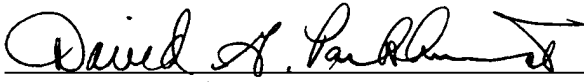
The notice indicated that the application was deposited without drawings. In response, Applicant contends that 12 sheets of drawings were in fact deposited in the Patent and Trademark Office with the nonprovisional application papers on February 20, 2004. Copies of the application transmittal showing transmittal of the application and drawings by Express Mail on February 20, 2004, and the Express Mail receipt, are attached as evidence of the transmittal of the application and drawings for filing on February 20, 2004. A copy of the date stamped return post card listing 12 sheets of drawings, showing the Patent and Trademark Office date stamp of February 20, 2004, is also attached, evidencing actual receipt of the twelve sheets of drawings, along with a copy of the twelve sheets of drawings as filed. It is respectfully requested that these twelve sheets of drawings be added to the Patent and Trademark Office file for the subject application, and that the date of receipt of these twelve sheets of drawings be recognized as being February 20, 2004.

The notice also indicated that the basic filing fee and oath or declaration were missing. Also enclosed are our check in the amount of \$467.00 to cover the basic filing fee of \$395.00 and the additional claim fees of \$72.00, a Petition for Application on Behalf of Non-Signing Inventor, a Declaration of David G. Parkhurst with exhibits, and a Declaration and Power of Attorney for Patent Application signed by JOHN ROBERT OWEN.

If required, the Commissioner is authorized to charge any deficiencies in fees or credit any overpayments to our Deposit Account No. 06-2425.

Respectfully submitted,

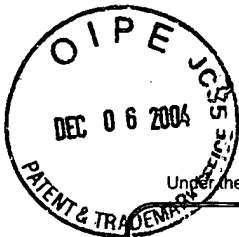
FULWIDER PATTON LEE & UTECHT, LLP

By: 
David G. Parkhurst
Reg. No. 29,422

DGP/rvw

Enc: Copy of Notice of Incomplete Nonprovisional Application
Copy of date stamped return post card
Copy of twelve sheets of drawings as filed
Copy of Express Mail receipt
Copy of application transmittal
Check for \$467.00
Petition fee of \$400.00 for response
Petition for Application on Behalf of Non-Signing Inventor
Petition fee of \$200.00, re non-signing inventor
Declaration of David G. Parkhurst with exhibits
Declaration and Power of Attorney for Patent Application

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PTO/SB/17p (11-04)

Approved for use through 07/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/784,137
Filing Date	Feb. 20, 2004
First Named Inventor	Steven Atkins
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	FORRE 67592

Enclosed is a petition filed under 37 CFR 1.53(e) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 06-2425:
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.☒ Check in the amount of \$ 400.00 is enclosed.☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature
David G. Parkhurst

Nov. 30, 2004

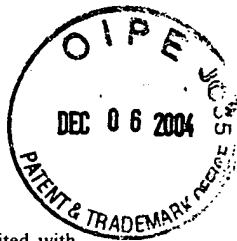
Date
29,422

Typed or printed name

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

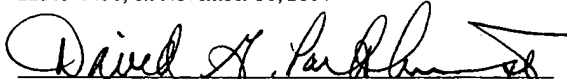
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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David G. Parkhurst, Reg. No. 29,422

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STEVEN R. ATKINS and JOHN ROBERT OWEN

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Examiner:

Group Art Unit:

Docket No. FORRE 67592

November 30, 2004

Los Angeles, California 90045

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF DAVID G. PARKHURST

[Petition Under 37 CFR §1.47(a)]

Dear Sir:

I, DAVID G. PARKHURST, hereby declare and state as follows:

1. I am an attorney of record in the above-identified application for patent.
2. Mr. Steven R. Atkins is a named inventor of the above-identified patent application.

3. Mr. Atkins's employment with RWO (Marine Equipment) Ltd, assignee of the above-identified patent application, ceased under less than favorable circumstances.

4. On September 15, 2004, I forwarded to Mr. Atkins a package containing a copy of the above-identified patent application, the Preliminary Amendment filed May 20, 2004, a Declaration and Power of Attorney for Patent Application, and an Assignment (of patent rights) at the last known address he had given for himself, by Federal Express. A copy of a letter requesting his signature on the Declaration and Assignment documents is attached as Exhibit A.

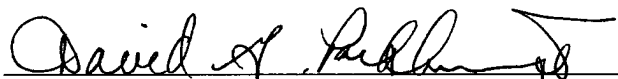
5. Federal Express made several attempts to deliver the package to Mr. Atkins over the period from approximately September 17, 2004 to September 29, 2004, as evidenced by a copy of the Federal Express tracking information for the package, attached as Exhibit B.

6. The last known address of Steven R. Atkins is 10, The Broadwalk North, Brentwood, Essex CM 13 2BD, UNITED KINGDOM. Mr. Atkins has lived at this address for at least three years, and Mr. Atkins gave this address as his current address to RWO (Marine Equipment) Ltd, so that his tools could be returned to him following his departure from the company.

As the person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued therein.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
David G. Parkhurst
Reg. No. 29,422

DGP/rvw

Enclosures:

Exhibit A: Copy of letter of September 15, 2004 to Steven Atkins

Exhibit B: Copy of Federal Express tracking information

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6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

72593.1

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(1903-1979)
Warren L. Patton
(1912-1985)
John M. Lee
(1921-1978)

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dparkhurst@fulpat.com

September 15, 2004

VIA FEDERAL EXPRESS

Mr. Steven R. Atkins
10, The Broadwalk North
Brentwood,
Essex CM13 2BD
UNITED KINGDOM

Re: U.S. Patent Application Serial No.: 10/784,137
Filed: February 20, 2004
Entitled: IMPROVEMENTS IN OR RELATING TO
A FITTING FOR A HARNESS
Inventors: Steven R. Atkins and John R. Owen
Our Docket No.: FORRE 67592

Dear Mr. Atkins:

Our firm filed the above patent application, for which you are a named inventor, on behalf of RWO (Marine Equipment) Ltd, as noted above. We are now in the process of preparing the application for its next stage of consideration and ask your cooperation.

Enclosed are copies of the application and a preliminary amendment as filed, along with a Declaration and Power of Attorney and an Assignment prepared for your signature.

After you have reviewed the application, please sign and date the Declaration and Power of Attorney and the Assignment, and return them to us in the enclosed pre-paid Federal Express envelope at your earliest opportunity for filing with the United States Patent and Trademark Office.

FULWIDER PATTON LEE & UTECHT, LLP
LOS ANGELES • LONG BEACH

Howard Hughes Center • 6060 Center Drive, Tenth Floor, Los Angeles, California 90045
www.fulpat.com • 310-824-5555 • 310-824-9696 fax

Mr. Steven R. Atkins
September 15, 2004
Page 2

Please note that it is important that the enclosed documents be executed and returned to us for filing as quickly as possible.

If you have any questions or, if for some reason, do not want to sign these documents, please call or e-mail me so we can discuss this matter.

Sincerely,

FULWIDER PATTON LEE & UTECHT, LLP



David G. Parkhurst

DGP:rvw

Enclosures: Application, Preliminary Amendment,
Assignment, Declaration/Power of Attorney and
Federal Express envelope

65507.1



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Tracking number	82386864582	Reference	forre 67592
Ship date	Sep 15, 2004	Delivery location	ESSEX GB
		Service type	Priority Pak
		Weight	1.0 lbs.

Status	Delivery exception		
Date/Time	Activity	Location	Details
Sep 29, 2004 10:50 AM	Delivery exception	LONDON GB	Customer not available or business closed
Sep 28, 2004 7:48 AM	On FedEx vehicle for delivery	LONDON GB	Customer not available or business closed
Sep 28, 2004 11:55 AM	Delivery exception	LONDON GB	
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Sep 27, 2004 11:01 AM	Delivery exception	LONDON GB	
Sep 24, 2004 7:22 AM	On FedEx vehicle for delivery	LONDON GB	Customer not available or business closed
Sep 24, 2004 6:58 PM	At local FedEx facility	LONDON GB	
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Sep 23, 2004 7:26 AM	On FedEx vehicle for delivery	LONDON GB	
Sep 23, 2004 3:21 PM	Delivery exception	LONDON GB	Customer not available or business closed
Sep 23, 2004 10:00 AM	Delivery exception	LONDON GB	
Sep 22, 2004 7:37 AM	On FedEx vehicle for delivery	LONDON GB	Customer not available or business closed
Sep 22, 2004 10:04 AM	Delivery exception	LONDON GB	
Sep 21, 2004 7:36 AM	On FedEx vehicle for delivery	LONDON GB	Customer not available or business closed
Sep 21, 2004 12:00 PM	Delivery exception	LONDON GB	
Sep 20, 2004 7:48 AM	On FedEx vehicle for delivery	LONDON GB	Incorrect address
Sep 20, 2004 11:01 AM	Delivery exception	LONDON GB	

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Sep 17, 2004	7:36 AM	On FedEx vehicle for delivery	LONDON GB	Customer not available or business closed
	11:38 AM	Delivery exception	LONDON GB	
Sep 16, 2004	7:41 AM	On FedEx vehicle for delivery	LONDON GB	
	8:28 PM	Int'l shipment release	STANSTED GB	
	8:28 PM	At dest sort facility	STANSTED GB	
	6:39 PM	At dest sort facility	STANSTED GB	
Sep 15, 2004	6:33 AM	Package data transmitted to FedEx		Departed location
	1:58 AM	In transit	MEMPHIS, TN	
	7:19 PM	Left origin	HAWTHORNE, CA	
	7:15 PM	In transit	LOS ANGELES, CA	
	4:51 PM	Picked up	HAWTHORNE, CA	

Signature proof

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Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

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To

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